(3)

IN THE HON'BLE HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P. No. 1649 /2006

PETITIONER : SANDEEP KUMAR SINHA
aged..25.. S/o SHRI..NAKUL..SINHA
Vill & Post B-Jamgaon, Tah. Balod,
Distt.-Durg (C.G.)

P.I. No. 1219/06
Presented by S.K. Verma
dated 30/3/06

VERSUS

RESPONDENTS :

1. The State Govt of C.G.
   Through Secretary, GAD,
   D.K. Bhawan, Raipur
2. The Secretary
   Chhattisgarh Board of Secondary
   Education Raipur (Chhattisgarh)

RECEIVED COPY
30.3.06
CLERK to A. G. BILASPUR

WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA

(50)

HIGH COURT OF CHHATTISGARH AT BILASPUR

SINGLE BENCH : HON'BLE MR. SATISH K. AGNIHOTRI, J.

WRIT PETITION NO.1649 OF 2006

Petitioner	:	Sandeep Kumar Sinha
	versus	
Respondents	:	The State Govt. of C.G. and another

Present : Mr. Ajay Shrivastava, counsel for the petitioner.
Mr. Ajay Dwivedi, Panel Lawyer for respondent No.1/ State.
Mr. H.B.Agrawal, Senior Advocate with Ms. Sangeeta Mishra, counsel for respondent No.2.

ORDER
(Passed on 9th of October, 2006)

Learned counsel appearing for the petitioner submits that the petitioner made an application pursuant to the advertisement dated 24-8-2005 (Annexure P-2) issued by General Administration Department of State of Chhattisgarh for appointment on the post of Assistant Grade-III. According to the petitioner, the petitioner obtained 264 marks in the said examination which is highest in the written test, however, the petitioner was not called for interview, notwithstanding the fact that he secured highest marks in the written examination. On enquiry, the petitioner was informed that the petitioner was not called for interview because his Hindi typing examination certificate was not from a recognized institute of the State of Chhattisgarh.

2. Being aggrieved, the petitioner has filed this petition seeking a direction to the respondents to declare the petitioner as selected and the respondents be further directed to permit the petitioner to face the interview in the examination.

3. Mr. Ajay Shrivastava, learned counsel appearing for the petitioner, submits that a recognized institute does not mean recognized by State of Chhattisgarh alone. The petitioner has obtained the certificate from the NAC-MIT (Nationwide Council for Multipurpose Education and Information Technology), a private institute, which, according to the petitioner, is recognized by Union Territory of Delhi. The counsel further submits that the petitioner cannot be declined permission to face interview when the institute, as stated above, is recognized by Union Territory of Delhi, but not recognized by the State of Chhattisgarh.

4. Mr. H.B.Agrawal, learned Senior Advocate with Ms. Sangeeta Mishra, learned counsel appearing for respondent No.2 states in the return of respondent No.2 as under :-

> Para 5.3 "That the contents of this para is wrong, hence denied, it is denied that the answering respondent has done any unjust to the petitioner because the required eligibility was made clear in the advertisement and the petitioner himself admits that the diploma is not from institution recognized by the Chhattisgarh Government, therefore he cannot ask to adopt the diploma of New Delhi State in Chhattisgarh State. The list of recognized university is filed as Annexure R-2-1. The letter dated 7.4.2005 regarding

recognized institution of computer training issued by State Government is filed as Annexure R-2-2. The letter by Secretary of respondent no.2 and Secretary of State Government G.A.D. Department dated 16.6.2006, is filed as Annexure R-2-3."

5. Having heard learned counsel for the parties and after perusing records appended to the petition as also to the return, it appears that admittedly the petitioner has obtained typing pass certificate from an institution which is not a recognized institution by the State of Chhattisgarh. The required condition was the recognized institute. It is clear that the recognized institute means recognized institute by the State of Chhattisgarh not by any other State Government except by the Union of India. It is not the case of the petitioner that the institute wherefrom he has obtained his certificate is a recognized institute of Union of India.

6. Be that as it may, the petitioner has no right to appointment. Even otherwise, in the present case, the petitioner has not obtained typing pass certificate from recognized institute of State of Chhattisgarh, which is a requisite condition for appearing in the examination. Thus, the contention of the petitioner is rejected.

7. The petition is devoid of merit. Accordingly, it deserves to be and is dismissed. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Gopal